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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,246	12/10/2001	Yukako Nii	1035-357	9946
23117 7590 11/17/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
TRUONG, LAN DAI T				
ART UNIT		PAPER NUMBER		
2452				
MAIL DATE		DELIVERY MODE		
11/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/006,246

**Applicant(s)**

NII ET AL.

**Examiner**

LAN-DAI THI TRUONG

**Art Unit**

2452

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-14, 16-18, 20-26 and 29-35.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Kenny S Lin/  
Primary Examiner, Art Unit 2452

Continuation of 11. does NOT place the application in condition for allowance because: newly added limitations in claims 1-2, 10, 12-13, 16-18, 31-35 would raise further considerations and searches, such as:

Regarding claim 1: "...first information...if the information server receives electronic ticket information from the portable display device and confirms that the passenger has the right to use the vehicle; and causing the information server to receive no electronic ticket information from the portable display device."

Regarding claim 2: "...causing the information server to provide first information to a first portable display device in response to an information request received from the first portable display device if the information server receives electronic ticket information from the first portable display device and confirms that the passenger has the right to use the vehicle; and causing the information server to provide different, second information to the first portable display device if the information server receives no electronic ticket information from the first portable display device."

Regarding claims 10, 12-13 and 33: "...based on received electronic ticket information...providing first information...if the managing section receives electronic ticket information from the portable display device and confirms that the passenger has the right to use the vehicle; and for providing different, second information to the portable display device if the managing section receives no electronic ticket information from the portable display device."

Regarding claims 16-17: "...based on received electronic ticket information...providing first information...if the managing server receives electronic ticket information from the portable display device and confirms that the passenger has the right to use the vehicle; and causing the information server to provide different, second information to the portable display device if the information server receives no electronic ticket information from the portable display device."

Regarding claim 18: "...wherein the information server provides first information to the portable display device in response to an information request received from the portable display device if the information server receives electronic ticket information from the portable display device and confirms that the passenger has the right to use the vehicle; and wherein the information server receives no electronic ticket information from the portable display device."

Regarding claim 31: "...wherein the information server provides first information to the information display terminal in response to an information request received from the information display terminal if the communication controlling section judges that both using conditions are identical to each other; and wherein the information server provides different, second information to the information display terminal if the communication controlling section judges that both using conditions are not identical to each other."

Regarding claim 32: "...based on received electronic ticket information...providing first information...if the information server receives electronic ticket information from the portable display device and confirms that the passenger has the right to use the vehicle; and causing the information server to provide different, second information to the portable display device if the information server receives no electronic ticket information from the portable display device."

Regarding claim 34: "...first information...if the information server receives no electronic ticket information from the portable display terminal, sending different, second information to the portable display terminal."

Regarding claim 35: "...first information...if the information server receives no electronic ticket information from the information display terminal, sending different, second information to the information display terminal."

The arguments to claims 5 and 7 with respect to the references do not disclose time or geographical area in which a server can be used are not persuasive. (see the office action sent out 06/25/2008 for details).

The arguments to claim 6 are not persuasive, the citations from (Cohen, abstract) read on the limitation disclosed on claim 6.

In response to applicant's arguments to claims 23-24, the recitation "information recording medium issuing apparatus which issues an information recording medium" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hira*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's amendments to the specification and the drawing (Fig. 11 & Fig. 13) those submitted (on 10/27/2008). The Office respectfully notes that those submitted documents (the specification and (Fig. 11 & Fig. 13) those submitted (on 10/27/2008)) now are entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

11/12/2008.